

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 261 of 2011

Thursday, this the 22nd day of November, 2012

CORAM:

**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Ayoob M.I., Aged 32 years,
S/o.Late Kidavu Koya Haji,
Meppada illom House,
Agatti Islan P.O.,
U.T. Of Lakshadweep.

.... Applicant.

(By Advocate Mr. P.V. Mohanan)

v e r s u s

1. The Administrator,
Union Territory of Lakshadweep,
Kavarathy : 682 555
2. The Director,
Department of Science and Technology,
Kavaratti, U.T. of Lakshadweep : 682 555
3. Idrees Babu K.K.,
Konhamkakkada House,
Kalpeni Island P.O.,
U.T. of Lakshadweep : 682 556
4. Muhsin. A.I.,
Alyashayapura House,
Androth Island,
U.T. of Lakshadweep : 682 557
5. Jafer Hisham. T,
Secretary, Lakshadweep Kala Academy,
Kala Academy, Kavaratti P.O.,
U.T. of Lakshadweep : 682 555

... Respondents.

(By Advocate Mr. S. Radhakrishnan for R1-2)

This O.A having been heard on 07.11.2012, the Tribunal on 22.11.12 delivered the following:



ORDER**Hon'ble Mr. K. George Joseph, Administrative Member -**

This O.A is filed by the applicant to set aside Annexure A-9 select list dated 01.02.2011 for the post of Scientist in the Department of Science and Technology, Union Territory of Lakshadweep and to declare that the applicant is deemed to be selected to the post of Scientist.

2. The contention of the applicant is that he is the only eligible candidate for the post of Scientist in the Department of Science and Technology, Union Territory of Lakshadweep as per the notification dated 11.05.2010 at Annexure A-7. He has requisite experience in the research field in Government Organization. The respondents No. 3, 4 and 5 and others called for interview are not eligible to be considered for selection. According to the applicant, the stipulation in Annexures A-6 and A-7 that 3 years experience in the research field in reputed institution is to be construed as 3 years experience in the research field from the reputed institutions recognized by the Government or affiliated to the Government. The applicant has not been called for interview in violation of Article 16(1) of the Constitution of India. There are no proper guidelines envisaging the methodology of selection. Neither any written test was held nor have the candidates been shortlisted. The selection was solely made based on interview.

3. Per contra, the official respondents contended that the service of the applicant on contract basis as a Junior Research Fellow under CAL-BAL project at Kavaratti was terminated in the year 2009 in view of his



unsatisfactory performance as per Annexure R1-A. He has submitted experience certificate showing only 2 years experience. His bio-data submitted along with the application shows work experience in the project as 2 years only. As per the Recruitment Rules, the eligibility for the Scientist post is Post Graduate degree in any branch of Science with at least 2nd class from the Government recognized institution or equivalent and 3 years experience in the research field in Government recognized reputed institutions. The selected candidates for the post of Scientist have produced the certificates having more than 3 years research experience as per the Recruitment Rules from reputed Organizations, like CMFRI and Bombay Natural History Society. As the applicant was not eligible for the post of Scientist as per the Recruitment Rules, he was not called for the interview. No written test is prescribed in the Recruitment Rules for the post of Scientist Group-B (Gazetted). The Ministry of science and Technology, Government of India, vide letter dated 22.10.2009 clarified that the 27 posts in Groups B, C and D in the department of Science and Technology, Lakshadweep are to be filled in as per Lakshadweep Administration procedure. As such the Administrator, Union Territory of Lakshadweep, is the competent authority to fill up the aforesaid posts. Out of 50 candidates applied, only 6 candidates possessing eligibility criteria as per the Recruitment Rules were called for interview by an interview Board constituted by the Administrator. Based on their academic qualifications, research experience and performance in the interview, the Selection Committee selected the 3rd and 4th respondents and the 5th respondent as wait listed candidate. The recommendations of the Committee were accepted by the appointing authority. It was further submitted by the respondents that the applicant had worked as a Plus-Two Teacher before



acquiring his post graduation.

4. We have heard Mr. P.V. Mohanan, learned counsel for the applicant and Mr. S. Radhakrishnan, learned counsel for the respondents 1 and 2 and perused the records.

5. Not having the required 3 years experience in the research field, the applicant is not eligible for being called for interview for the post of Scientist as per Annexure A-6 Recruitment Rules dated 23.04.2010. The educational and other qualifications prescribed for direct recruits in respect of the post of Scientist as per the Recruitment Rules are reproduced as under:

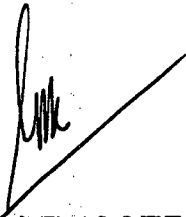
"8. Educational and other qualifications prescribed for direct recruits	:	Postgraduate Degree in any branch of Science with at least a second class from a Govt. recognized University or equivalent and 3 years experience in the research field in Govt./ recognized/ reputed institutions."
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The contention of the applicant is that the selected candidates and others are not eligible to be considered for selection because they do not have experience in the research field in Government recognized reputed institutions. A reading of the prescribed qualifications shows that 3 years experience in the research field should be in Government institution or recognized institution or reputed institution. The interpretation of the rule by the applicant is wrong. The selection of the respondents 3, 4 and 5 is made as per the procedure of the Lakshadweep Administration. The Recruitment Rules do not prescribe competitive examination or written test for selection to

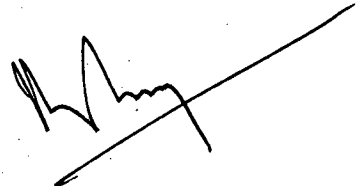


the post of Scientist Group-B (Gazetted). There is no merit in the contentions of the applicant. The O.A. is accordingly dismissed with no order as to costs.

(Dated, the 22nd November, 2012)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

cvr.